

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMIE BORMAN,	)	CIVIL ACTION NO.:
	)	
Plaintiff,	)	
	)	<b>DEFENDANT'S NOTICE OF AND</b>
	)	<b>PETITION FOR REMOVAL</b>
v.	)	
	)	
RENAISSANCE FINANCIAL	) (From the District Court of Douglas	
CORPORATION	) County, Nebraska, Case No. CI 19-629)	
	)	
Defendant.	)	

**DEFENDANT RENAISSANCE FINANCIAL CORPORATION'S NOTICE OF AND**  
**PETITION FOR REMOVAL**

Defendant Renaissance Financial Corporation's ("Defendant" or "Renaissance"), by and through its undersigned counsel, pursuant to 28 U.S.C. §§ 1331, 1367, and 1441, and in accordance with the Federal Rules of Civil Procedure and Nebraska Civil Rules, hereby files this Notice of and Petition for Removal of a case from the District Court of Douglas County, Nebraska, bearing Case No.CI 19-629. As grounds for this removal, Defendant states the following:

**BACKGROUND**

1. On January 24, 2019, Plaintiff filed her first Complaint and Jury Demand ("Original Complaint") against Renaissance in the District Court of Douglas County, Nebraska, Case No. CI 19-629. A copy of the Original Complaint is attached with Exhibit A to this Notice. The Original Complaint was never served.
2. On April 11, 2019, Plaintiff filed her Amended Complaint and Jury Demand ("Amended Complaint") against Renaissance in the District Court of Douglas County, Nebraska, Case

No. CI 19-629. A copy of the Amended Complaint is attached with Exhibit A to this Notice.

**TIMELY REMOVAL**

3. On April 17, 2019, Renaissance accepted service of the Amended Complaint. A copy of the return summons is attached with Exhibit A to this notice. The time period under 28 U.S.C. § 1446(b) for Renaissance to file this Notice of Removal has not expired.

**BASES FOR REMOVAL**

4. Plaintiff has asserted claims against Renaissance of disability discrimination and retaliation in violation of the Americans with Disabilities Act, 42 U.S.C. § 12112, *et seq.* (“ADA”) and the Nebraska Fair Employment Practice Act (“NFEPA”); Workers’ Compensation retaliation under Nebraska state law; and discrimination and retaliation in violation of the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”).
5. This Court has original jurisdiction over Plaintiff’s ADA and FMLA claims pursuant to 28 U.S.C. § 1441.
6. Plaintiff’s Nebraska state law claims of Workers’ Compensation retaliation and discrimination and retaliation in violation of NFEPA are so related to Plaintiff’s ADA and FMLA claims that they form part of the same case or controversy.
7. In particular, in her Amended Complaint, Plaintiff relies on the same set of factual allegations to form her ADA, FMLA, and state law claims. *See Exhibit A, pp. 16-19.*
8. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over Plaintiff’s state law claims of Workers’ Compensation retaliation and discrimination and retaliation in violation of NFEPA.

**VENUE**

9. Venue is proper in this Court. The United States District Court for the District of Nebraska is the Division which encompasses Douglas County, the district in which the state court case was filed. Thus, the United States District Court for the District of Nebraska is the proper district court to which this case should be removed. *See* 28 U.S.C. §§ 1441(a) and 1446(a).

**NOTICE OF COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

10. An accurate copy of all process, pleadings, orders, and other papers or exhibits currently on file with the state court are attached to this notice of and petition for removal as Exhibit "A" as required by 28 U.S.C. § 1446(a).
11. Promptly after the filing of this Notice, Renaissance will serve written notice of this removal to Plaintiff through her counsel and will file a copy of this Notice of Removal with the District Court of Douglas County, Nebraska.

**REQUEST FOR PLACE OF TRIAL**

Defendant respectfully requests that trial of this action be held in Omaha, Nebraska.

WHEREFORE, Defendant Renaissance Financial Corporation respectfully requests that this case be properly removed, that the Court accept jurisdiction over the action, and that this action be entered into the docket of this Court for further proceedings as if the action had originally been instituted in this Court.

Dated: May 17, 2019.

Respectfully submitted,

/s/ Brock J. Pohlmeier \_\_\_\_\_

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2019, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF System which sent notification of such filing to the following:

Kelly K. Brandon  
Stephanie J. Costello  
Fiedler & Timmer, P.L.L.C.  
20615 Highway 370  
Gretna, NE 68028

/s/ Brock J. Pohlmeier \_\_\_\_\_

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